

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

AFFIDAVIT

Plaintiff,

v.

Case No. 06-CR-320

DAVID R. OLOFSON,

Defendant

STATE OF WISCONSIN :

: ss

KENOSHA COUNTY :

DAVID R. OLOFSON, being duly sworn, states:

1. I am the defendant in the above matter.
2. That I am hereby making this affidavit in support of our motion to suppress the statement that was given to Special Agent Jody Keeku on or about July 19, 2006.
3. That the statement that I gave to Special Agent Keeku was in an enclosed room at the Berlin Police Department. Further, once I sat down in the room, I was questioned about the case, my knowledge of Mr. Kiernicki my knowledge of firearms in general. This was done in the enclosed room.
4. That while I was in this room giving such statement, I was not aware that the statement that I was giving could be used against me in a court of law.
5. Further, at the time that I was giving said statement, I was not advised of my Miranda rights. I was not advised that I had the right to remain silent nor was I advised of my right to an attorney nor was I advised of any of the other Miranda warnings.

6. Further, I repeatedly asked if I could leave, but was told that I was not free to go home in spite of my request to do so. I was told that I could not leave as the search was ongoing at my premises.

7. That at the time I was speaking with Agent Keeku, I was not aware that the information that I was giving to Agent Keeku would in any way be used against me in court nor was I aware that it was going to be attributed to me as my statement. If I would have known that I was in fact giving a statement which had the potential of being used against me in court and further would have been advised of my Miranda rights, I would not have given the statement to her and would have elected not to give a statement at that time.

8. Further, at the time that I originally spoke to my attorney about the case in December, 2006, I informed him that I did not give a statement to the police as I assumed a statement meant a written statement signed by me. Upon reviewing the discovery materials, however, I realized that in fact there was a statement attributable to me in the interview I gave to Agent Keeku. Upon further discussing this matter with my attorney, I advised him that I was not advised of my Miranda warnings, however I did not fully understand the Miranda protections and did not advise my attorney until the signing of this affidavit regarding that issue.

9. This affidavit is made in support of the annexed motion.

s/ DAVID R. OLOFSON
DAVID R. OLOFSON

Subscribed and sworn to before me
this 12th day of March, 2007

s/ CHRISTOPHER W. ROSE
Notary Public, State of Wisconsin
My commission expires: Permanent

